DA ELECTION, PROBE FUNDS OVERLAPPED, WITNESS SAYS

THE STATES-ITEM

Wednesday, January 27, 1971 New Orleans, La. 10 Cer

Perry Raymond Russo, star witness n the prosecution of Clay L. Shaw in he 1969 conspiracy trial, today invoked he Fifth Amendment in federal district ourt, refusing to say whether he saw haw in David Ferrie's apartment with ee Harvey Oswald in 1963. Russo aid to answer the question would be o expose himself to possible prosecu-ion.

by ALLAN KATZ
nd GENE BOURG

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District Attorney Jim Garrison spent tangled mixture of state, court and rivate money on his Kennedy assas-ination probe, testimony revealed to-ay, with some overlapping into the DA's own election campaign funds.

This information was elicited from the bookkeeper in the DA's office, Daniel Jones, who held the spotlight in the third day of a federal court hearing in which Clay L. Shaw seeks to have perjury charges against him thrown out.

There were these major revelations:

—JONES TESTIFIED that the records of J. G. Safi fund, a vehicle for handling some of the Kennedy probe money, included "a number of disbursements to and from the Jim Garrison campaign fund."

—Gov. John J. McKeithen said in Baton Rouge he gave Garrison $10,000 in state funds for the Kennedy probe.

—Jones confirmed the total amount spent on the Kennedy probe, not counting the Shaw trial itself, was $99,448.

—This figure, Jones testified, included some $25,000 from the court's fines and fees fund, money normally available to the district attorney's office. This was in addition to the money from the governor's office and the contributions from Truth and Consequences, a private group set up to finance the investigation.

—SOME OF THE MONEY was spent to hire guards to protect Garrison's home during the investigation, Jones said.

—Investigative expenses included "numerous" trips by star DA's staff members, including James L. Alcock, Andrew "Mumu" Sciambra and a mysterious category styled "others."

—The DA's office paid at least $315 in rent on an apartment occupied by David W. Ferrie, a shadowy figure Garrison says was part of the assassination plot. The money was paid in the summer of 1967, several months after Ferrie's death Feb. 22, 1967. Ferrie's landlord, Jones testified, was City Councilman Eddie L. Sapir. The money was paid to Steven R. Plotkin, Sapir's law partner, he said.

JONES' TESTIMONY was the highlight of today's session of the hearing before Federal District Judge Herbert W. Christenberry.

Shaw was charged with perjury by Garrison, who claims he lied in his 1969 trial on charges of conspiring to kill President John F. Kennedy. Shaw was acquitted on that charge but Garrison claims he testified falsely that he never knew Ferrie or accused presidential assassin Lee Harvey Oswald.

Shaw went into federal court to get the perjury charge thrown out on grounds that Garrison is violating his civil rights. In the meantime, Garrison is enjoined from prosecuting him in state court.

THE MATTER OF the $10,000 contribution from Gov. McKeithen came to light yesterday and Monday in earlier testimony before Judge Christen-

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berry and was confirmed again today by Jones.

In Baton Rouge, the governor's chief aide, W. W. McDougall, said the money was paid out of the governor's law enforcement fund at the special request of Garrison for financial aid.

McDougall said one check for $5,000 was given to Garrison March 22, 1967, one day after Garrison made the request in a written appeal for assistance. The second check also was for $5,000 and was issued Jan. 30, 1968, he added.

McDougall said such assistance was not unusual and has been made available to other law enforcement agencies and DAs both before and since the Garrison incident.

THE FUND IS A special $40,000 appropriation by the legislature which the governor uses for special situations.

At the hearing in New Orleans today the judge scheduled to preside over Shaw's perjury trial testified that he refused to throw out the charge without having closely examined the record of the conspiracy trial.

Criminal District Judge Malcolm V. O'Hara was the first witness today.

ON DEC. 14, 1969, Judge O'Hara turned down a plea to throw out the perjury charge. He was questioned closely about this action today by Shaw attorney F. Irvin Dymond.

Judge O'Hara said the long delay between the filing of the motion to quash the perjury charge (May 14, 1969) and his acting on it was due to Garrison's illness. The DA suffers from a back ailment and was unable to appear in court.

Dymond asked the judge if he read the transcript of the conspiracy trial. Judge O'Hara said he did not.

HE SAID FURTHER he didn't [illegible] the testimony of the state's star witness, Perry Raymond Russo. He said he felt this was unnecessary because he was a member of a three-judge panel before which Russo testified in a preliminary hearing prior to the trial.

Asked if he were aware of changes in Russo's testimony between the 1967 hearing and the 1969 trial, he said he knew of them "through other media" but had no detailed knowledge of them.

Judge O'Hara said he read the opening and closing arguments by Garrison but not the rebuttal argument by chief prosecutor Alcock, now a fellow Criminal District Court judge.

THE JUDGE SAID he felt it was unnecessary to read the entire transcript of the conspiracy trial before ruling in the perjury case.

The second witness, Jones, identified himself as bookkeeper in Garrison's office.

RUSSO, ON WHOSE testimony most of the conspiracy case rested, was still waiting to testify in the current hearing.

Criminal District Judge Malcolm V. O'Hara was the first witness today in the third day of a federal court hearing in which Clay L. Shaw seeks dismissal of perjury charges against him.

The charges were brought by District Attorney Jim Garrison, who claims Shaw lied when he testified on his own behalf in his 1969 trial on charges of conspiring to kill President John F. Kennedy.

Judge O'Hara is scheduled to preside at the perjury trial, if it is ever held. Judge Christenberry has enjoined that trial from proceeding until the current hearing is over.

F. Irvin Dymond, a Shaw attorney, questioned Judge O'Hara. Here is the text of the testimony:

DYMOND BEGAN by questioning whether O'Hara was fully familiar with all the evidence in the first Shaw trial

motion to kill the perjury pro-

Q. There was a motion to quash the second bill of information, when was that filed?

A. May 14, 1969.

Q. Is it not a fact that the motion to quash was overruled on Dec. 14, 1969? Was that in any way due to delaying efforts by the defense?

A. I believe the proceedings were extensively delayed due to Jim Garrison's inability to appear in court. (Garrison has been ill for almost a year.)

Q. Did you deliver any verbal or written ruling on your decision to overrule the defense motion?

A. No I did not.

Q. Did you read the entire transcript of the Clay Shaw conspiracy trial?

A. No, I did not.

Q. Did you read the entire testimony in that trial given by Perry Raymond Russo?

A. No I did not. I felt I was aware of Russo's testimony from having been a member of a three-judge panel which held a preliminary hearing in the case.

Q. Were you aware of changes in Russo's testimony?

A. I was aware that changes had taken place through other media.

Q. But you did not have detailed knowledge of these changes?

A. No I did not.

Q. Did you read Jim Garrison's opening argument?

A. Yes I did.

Q. Did you read Jim Garrison's closing argument?

A. Yes I did.

Q. Did you read the entire transcript of Assistant District Attorney James Alcock's rebuttal argument?

A. No I did not, it was not available.

Q. Was the entire transcript of the trial available to you?

A. No it was not.

Q. Did the defense ask to have the entire transcript

A. Yes they did.

Q. Did the state of Louisiana (the D.A.'s office) oppose having the full transcript made available to you as being not necessary?

A. Yes they did.

Q. Isn't it a fact that at the hearing you limited the testimony of Jim Garrison to only identifying his opening statement?

A. Yes I did.

Q. Isn't it a fact that you limited James Alcock to only identifying his opening statement?

A. Yes I did. I remember telling both sides that I would limit their testimony to only what I consider to be relevent to the matter at hand.

At this point First Assistant District Attorney John Volz began his cross examination.

Q. Judge O'Hara, did you testify that you presided at a three-judge preliminary hearing in the matter of Clay Shaw?

A. I did.

Q. Did that court find reason to hold Clay Shaw for trial?

At this point a discussion ensued and it was agreed that the three-judge hearing found cause to bind Shaw over for further hearings.

Judge Christenberry then asked if "the three-judge court knew the district attorney had only one witness against Shaw."

VOLZ ROSE to say, "Your honor, there were more than one witness, there were four or five."

Judge Christenberry asked was "Vernon Bundy one of them?"

He was told that Bundy was one of the original witnesses against Shaw. Prior testimony in the current hearing had attempted to discredit Bundy's competence as a witness.

Volz asked Judge O'Hara the reason he allowed Garrison's testiony to be limited.

The judge replied he thought

[illegible] area of throughly inadmissable" evidence.

VOLZ ASKED if he thought he could judge whether it would be necessary to read the entire transcript of Shaw's 1969 trial.

"Had I thought it had direct or related connection to the perjury charge, I would have," the judge replied.

Daniel Jones, a bookkeeper on Garrison's staff, was the next witness called.

In response to questions by Edward Wegmann, a Shaw attorney, Jones said he has been a member of the district attorney's staff for the past 21 years and has kept accounts which were used to finance Garrison's assassination investigation.

WHEN WEGMANN asked fo the total amount received by the DA's office for use in connection with the Kennedy murder probe, Jones answered that $99,488.96 was the correct amount.

Q. Do you know if a substantial amount was used in connection with th einvestigation, arrest and prosecution of Clay L. Shaw.

A. In my mind all of it was used for the investigation.

Wegmann then asked Jones if the $99,488 figure covered the cost of the Shaw trial.

Jones replied "No, these costs were paid from the usual fines and fees accounts in the district attorney's office."

QUESTIONED about the "Smith Case," Jones said that was the name given Garrison's assassination probe in the beginning.

Volz then told the court that the Smith Case was used only at the beginning of the probe and "the name Smith was never used in place of the name of Mr. Shaw."

Judge Christenberry said: "As far as I'm concerned it is all one."

Concerning donations to the probe fund from Gov. John J. McKeithen, Jones said that as he recalled a $5,000 check from a special account in the governor's office was one of those used in the probe.

Wegmann continued to question Jones.

Q: The next series of items show travel funds.

A: That is correct.

B: Then this next item shows advances to Jim Garrison in the amount of $15,728.

A: That is correct. It reflects funds given to Louis Ivon by Garrison for deposit in the J. G. Safi fund.

Q: Was this money transferred by cash or check?

A: Both.

Q: The next item shows advances by Jim Garrison, including a number of disbursements to and from the Jim Garrison campaign fund.

A: Yes.

Q: There are also a number of expense payments to William Boxley. Who was William Boxley?

A: He was an investigator. I don't know.

Q: Is that the same William Boxley who Mr. Garrison yesterday identified as a CIA agent who penetrated the district attorney's office and then was turned into a double agent?

A: That may be. I don't know.

Q: The next item of disbursement shows guard service of $572.52. What was that for?

A: I understand the guards were placed around the home of Jim Garrison during the probe.

Q. Don't your records show that the money was paid to Isaac and Vincent and New Orleans Private Patrol?

A. There was money paid to those guard services.

Q. The next item is $8,102.68 for investigative expenses.

A. That would be a multitude of investigative expenses all during the period of the probe.

Q. Those funds were paid to members of the DA's staff?

A. Yes Sir.

Q. Which members of the staff made numerous trips?

A. That would include William Boxley, Jerry Sanders, Steve Jaffe, William Martin, Andrew Sciambra, James Alcock and a category called 'others.'

Q. Let's look at a trip advance expense sheet submitted by Andrew Sciambra to see if it is typical. It lists trips to Clinton and Jackson, La., 800 miles, $80, lodging, $60, meals, $15, emergency expense, $50 and other items amounts to $236.

A. Well it's not really typical because it is a sheet submitted in advance.

Q. What is an emergency expense?

A. I understood that was for anything not allowable under normal procedures.

Jones went on to explain that emergency expense could include something as minor as meals or something as large as a major expense.

Q. Don't your record show you paid Mr. Sciambra on the basis of this estimated expense account? Right?

A. Yes, I gave him a check.

Q. During the trial of the Shaw conspiracy case, weren't a substantial number of witnesses brought to New Orleans from Dallas and other areas and given board and lodging? Wasn't that paid from these funds?

A. No sir, that was from the fines and fees account.

Q. Well prior to the beginning of the trial many witnesses were brought to New Orleans from out of town. Weren't these expenses paid from those funds?

A. There were some witnesses whose expenses were paid, but I don't know exactly what those were for. Some witnesses expenses were paid from fines and fees, but I don't know what these were for.

Judge Christenberry then asked, "Do you have a voucher for Mr. Gurvich's trip to Las Vegas when he brought Mr. Garrison a brown sport shirt and six bullets?"

Jones replied that Gurvich's trip was accounted for in the vouchers.

Q. Do you administer the fines and fees account?

A. Yes sir.

Q. Can you tell me the amount paid from the beginning of the probe in 1967 to the end of the trial in 1969 that was paid from fines and fees?

A. From memory I'd say from $45,000 to $50,000.

Q. That's in addition to the $99,000?

A. No. That would be subtracted from the total. Perhaps $25,000 or $30,000 should be subtracted from the total.

In the last testimony before a 10-minute recess shortly after noon, Wegmann asked Jones about a check for $315 made out to Steven R. Plotkin.

"What did that cover?" Wegmann asked.

JONES REPLIED that the check covered the rental of David Ferrie's Louisiana Avenue Parkway apartment for July, August and September of 1967.

Jones read a letter from Plotkin to Garrison in which Plotkin told the DA he had spoken with City Councilman

Eddie L. Sapir, Ferrie's landlord. Ferrie's rent was in arrears.

Q. When did the district attorney's office take possession of Ferrie's apartment?

A. I don't know.

Wegmann then told Jones that Garrison had advanced the fund more than $15,000 for investigation expenses. He asked if the DA had ever been repaid the money.

"Not to my knowledge," answered Jones.

ASKED WEGMANN: "Was there an obligation on the part of the city or the state to pay back this money?"

"I don't know," replied Jones.

Jones told Christenberry that one account was named J. G. Safi. The name, he said, stood for "Jim Garrison Special Account for Investigation."

Q. When was the J. G. Safi account established?

A. In March, 1967.

Q. Is it still open?

A. Yes it is.

Q. What is the amount now in it?

A. Four hundred and some dollars.

Q. What is the date of the last activity which occurred relating to the account?

A. August, 1969.

Wegmann then contended that since Shaw's acquittal on the conspiracy charge in 1969 the J. G. Safi account has been used only intermittently and for small amounts.

WEGMANN asked Jones if he ever secured a ruling from the Internal Revenue Service that the account was a tax-exempt fund.

"I don't know," Jones answered. "I merely set up an expense fund, not a corporation."

Under questioning by Alford, Jones stated that the fines and fees account in the DA's office includes only official money from bond forfeitures and fines.

JONES ALSO said that about $25,000 of the $99,468 came from the fines and fees account.

He added that the city audits the fines and fees accounts annually.

Jones also said documentation of the Garrison investigation expenses have been turned over to Shaw's attorneys, except for actual receipts for hotels and airline tickets.

JONES SAID some money in the accounts was provided by campaign contributions for Jim Garrison's re-election in 1969.

Alford took up the cross examination of Jones.

Q. Mr. Jones have we turned everything over to the defense except for motel bills and similar vouchers?

An argument followed as to whether everything had been turned over to Shaw's attorneys and Judge Christenberry said the question might not be important as it had been proven that it would have been easy to divert some of the privately given funds to a purpose other than what was intended.

Volz and Alford took exception, saying that no misuse of funds had been proven.

JUDGE Christenberry remarked, "I was merely stating what was possible."

Alford resumed the cross-examination of Jones.

Q. Why weren't these motel bills turned over?

A. There were many, many small bills. I photostated as many as I could, we have all the receipts.

Q. They are very voluminous?

A. Yes.

Q. Has Mr. Garrison given you any instructions regarding the records?

A. He has told me to give Mr. Shaw's attorneys everything they ask for.

Wegmann then asked one question.

Q. In your years with Mr. Garrison have you ever handled any account like the J. G. Safi account.

A. No sir.

Alford then fired back with one last question of his own.

Q. Have you ever been connected with any other office that investigated the death of a president?

A. No sir.